

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.27187 of 1997

Date:07.02.2007

Between:

Mohd.Ubaidullah and others.

.. PETITIONERS

AND

Khaja Basheeruddin and another.

..RESPONDENTS

ORDER:

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The petitioners are said to be the residents of Bhongir Town of Nalgonda District. Their grievance is about the state of affairs in relation to the administration of an institution, by name Dargah Hazrath Burhanuddin Shah Saheb Aulia, a registered Wakf. According to them, the first respondent is acting as a Muthawali of the Wakf though he was neither appointed nor recognized by the second respondent-Wakf Board. It is their case that though various misdeeds of the first respondent were brought to the notice of the second respondent, no action has been taken thereon.

On behalf of the second respondent, a counter-affidavit is filed. It is stated that the persons who are appointed as Muthawalies are not residing at Bhongir and to protect the interest of the Wakf, the local muslims have formed themselves into a committee. Reference is made to the report submitted by the

District Collector on a request made by the second respondent.

Heard the learned counsel for the petitioners and the learned counsel for the first respondent.

Basically, it is the duty of the second respondent to ensure that the Wakfs recognized by it are managed and administered properly. The Muthawalies appointed to the Wakf are said to be not functioning. Under these circumstances, the first respondent appears to have taken the lead to undertake the management of the Wakf.

This Court granted an order of temporary injunction in favour of the petitioners. Subsequently, after hearing both the parties, the interim order was modified on 09.02.1998. After taking into account the rival contentions, this Court took the view that the second respondent shall take over the management of the Wakf. A further direction was issued to the effect that the request of the first respondent for appointing himself and the other members as a committee shall also be considered. Neither the learned counsel for the petitioners nor the learned counsel for the first respondent is able to inform this Court as to the developments that have taken place subsequent to the order, dated 09.02.1998. _This Court is of the view that the interest of the parties was adequately protected through the said order.

Hence, the writ petition is disposed of in terms

of the order, dated 09.02.1998, in W.V.M.P.No.49 of 1998 in W.P.M.P.No.31635 of 1997. It is needless to mention that the appointment of Muthawali or a committee for administration of the Wakf in question shall be in accordance with the relevant provisions of law. There shall be no order as to costs.

07.02.2007

kdl